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**From:** Hanley, Mary [Hanley.Mary@epa.gov]  
**Sent:** 6/14/2019 2:10:12 PM  
**To:** Dunn, Alexandra [dunn.alexandra@epa.gov]; Beck, Nancy [Beck.Nancy@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]  
**Subject:** FW: SEPW PFAS bill - TRI

Hans confirmed that David's email is what you should review for the premeet.

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**From:** Turk, David  
**Sent:** Friday, June 14, 2019 9:34 AM  
**To:** Hanley, Mary <Hanley.Mary@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Fisher, Bethany <fisher.bethany@epa.gov>  
**Cc:** Reisman, Larry <Reisman.Larry@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Scheifele, Hans <Scheifele.Hans@epa.gov>; Pierce, Alison <Pierce.Alison@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Anderson, Steve <Anderson.Steve@epa.gov>; Skane, Elizabeth <Skane.Elizabeth@epa.gov>; Levine, Carolyn <Levine.Carolyn@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Krasnic, Toni <krasnic.toni@epa.gov>; Thaler, Elizabeth <thaler.elizabeth@epa.gov>; Sadowsky, Don <Sadowsky.Don@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>  
**Subject:** RE: SEPW PFAS bill - TRI

I believe there are two aspects of the TA that are prompting possible confusion. I've CCed Alex and Nancy as requested by Mary.

1. In terms of the chemicals that would be automatically added upon enactment of the bill. The bill refers to 2 specifics CFR citations. The recent TA provided indicates a concern related to listing via CFR references. **Deliberative Process / Ex. 5**

# Deliberative Process / Ex. 5

2. How to define which future EPA actions (i.e., post enactment) would trigger automatic listings has been an ongoing conversation with the hill. As I understand the intent, they want PFAS chemicals that are identified by a SNUR to be added automatically if there is some concern about risk. The variable aspect is what "some concern" means. They originally were including essentially all SNURed PFAS chemicals, but—as I understand the evolution of the bill's text, which may be inaccurate--then after they looked at some consent orders they expressed concern as to whether or not a SNUR that follows a consent order would be based on risk. I think the issue here is where to draw the line as to what EPA action implies/constitutes sufficient possible risk.

2b. A related aspect of this issue involves the mechanisms of how chemicals get onto the TSCA list, and the terminology/triggers in terms of what will cause a chemical to have the "active" flag.

-Dave

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**From:** Hanley, Mary  
**Sent:** Friday, June 14, 2019 9:02 AM  
**To:** Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Fisher, Bethany <fisher.bethany@epa.gov>  
**Cc:** Reisman, Larry <Reisman.Larry@epa.gov>; Turk, David <Turk.David@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Scheifele, Hans <Scheifele.Hans@epa.gov>;

Pierce, Alison <[Pierce.Alison@epa.gov](mailto:Pierce.Alison@epa.gov)>; Kaczmarek, Chris <[Kaczmarek.Chris@epa.gov](mailto:Kaczmarek.Chris@epa.gov)>; Anderson, Steve <[Anderson.Steve@epa.gov](mailto:Anderson.Steve@epa.gov)>; Skane, Elizabeth <[Skane.Elizabeth@epa.gov](mailto:Skane.Elizabeth@epa.gov)>; Levine, Carolyn <[Levine.Carolyn@epa.gov](mailto:Levine.Carolyn@epa.gov)>; Frye, Tony (Robert) <[frye.robert@epa.gov](mailto:frye.robert@epa.gov)>; Krasnic, Toni <[krasnic.toni@epa.gov](mailto:krasnic.toni@epa.gov)>; Thaler, Elizabeth <[thaler.elizabeth@epa.gov](mailto:thaler.elizabeth@epa.gov)>; Sadowsky, Don <[Sadowsky.Don@epa.gov](mailto:Sadowsky.Don@epa.gov)>  
**Subject:** RE: SEPW PFAS bill - TRI

Updated request: In addition to providing the information in the email below before the call, Alex wants to be on the call. She has availability until 1:30 today. Please also copy Nancy and Charlotte. Thanks.

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**From:** Hanley, Mary  
**Sent:** Friday, June 14, 2019 8:57 AM  
**To:** Kaiser, Sven-Erik <[Kaiser.Sven-Erik@epa.gov](mailto:Kaiser.Sven-Erik@epa.gov)>; Fisher, Bethany <[fisher.bethany@epa.gov](mailto:fisher.bethany@epa.gov)>  
**Cc:** Reisman, Larry <[Reisman.Larry@epa.gov](mailto:Reisman.Larry@epa.gov)>; Turk, David <[Turk.David@epa.gov](mailto:Turk.David@epa.gov)>; Keller, Kaitlin <[keller.kaitlin@epa.gov](mailto:keller.kaitlin@epa.gov)>; Hartman, Mark <[Hartman.Mark@epa.gov](mailto:Hartman.Mark@epa.gov)>; Scheifele, Hans <[Scheifele.Hans@epa.gov](mailto:Scheifele.Hans@epa.gov)>; Pierce, Alison <[Pierce.Alison@epa.gov](mailto:Pierce.Alison@epa.gov)>; Kaczmarek, Chris <[Kaczmarek.Chris@epa.gov](mailto:Kaczmarek.Chris@epa.gov)>; Anderson, Steve <[Anderson.Steve@epa.gov](mailto:Anderson.Steve@epa.gov)>; Skane, Elizabeth <[Skane.Elizabeth@epa.gov](mailto:Skane.Elizabeth@epa.gov)>; Levine, Carolyn <[Levine.Carolyn@epa.gov](mailto:Levine.Carolyn@epa.gov)>; Frye, Tony (Robert) <[frye.robert@epa.gov](mailto:frye.robert@epa.gov)>; Krasnic, Toni <[krasnic.toni@epa.gov](mailto:krasnic.toni@epa.gov)>; Thaler, Elizabeth <[thaler.elizabeth@epa.gov](mailto:thaler.elizabeth@epa.gov)>; Sadowsky, Don <[Sadowsky.Don@epa.gov](mailto:Sadowsky.Don@epa.gov)>  
**Subject:** RE: SEPW PFAS bill - TRI

Mark, Hans, Larry  
Before the call would you please clarify before the inconsistency, how you plan to resolve the inconsistency and what you plan to recommend so that I can share here. Thanks  
M

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**From:** Kaiser, Sven-Erik  
**Sent:** Friday, June 14, 2019 8:44 AM  
**To:** Fisher, Bethany <[fisher.bethany@epa.gov](mailto:fisher.bethany@epa.gov)>  
**Cc:** Reisman, Larry <[Reisman.Larry@epa.gov](mailto:Reisman.Larry@epa.gov)>; Turk, David <[Turk.David@epa.gov](mailto:Turk.David@epa.gov)>; Hanley, Mary <[Hanley.Mary@epa.gov](mailto:Hanley.Mary@epa.gov)>; Keller, Kaitlin <[keller.kaitlin@epa.gov](mailto:keller.kaitlin@epa.gov)>; Hartman, Mark <[Hartman.Mark@epa.gov](mailto:Hartman.Mark@epa.gov)>; Scheifele, Hans <[Scheifele.Hans@epa.gov](mailto:Scheifele.Hans@epa.gov)>; Pierce, Alison <[Pierce.Alison@epa.gov](mailto:Pierce.Alison@epa.gov)>; Kaczmarek, Chris <[Kaczmarek.Chris@epa.gov](mailto:Kaczmarek.Chris@epa.gov)>; Anderson, Steve <[Anderson.Steve@epa.gov](mailto:Anderson.Steve@epa.gov)>; Skane, Elizabeth <[Skane.Elizabeth@epa.gov](mailto:Skane.Elizabeth@epa.gov)>; Levine, Carolyn <[Levine.Carolyn@epa.gov](mailto:Levine.Carolyn@epa.gov)>; Frye, Tony (Robert) <[frye.robert@epa.gov](mailto:frye.robert@epa.gov)>; Krasnic, Toni <[krasnic.toni@epa.gov](mailto:krasnic.toni@epa.gov)>; Thaler, Elizabeth <[thaler.elizabeth@epa.gov](mailto:thaler.elizabeth@epa.gov)>; Sadowsky, Don <[Sadowsky.Don@epa.gov](mailto:Sadowsky.Don@epa.gov)>  
**Subject:** Re: SEPW PFAS bill - TRI

Thanks Bethany

On Jun 14, 2019, at 8:41 AM, Fisher, Bethany <[fisher.bethany@epa.gov](mailto:fisher.bethany@epa.gov)> wrote:

On the OGC side, Steve Anderson, Liz Thaler, and Don Sadowsky would be the key contacts. I've cc'd everyone here and am including the original attachments for reference.

Bethany Fisher  
EPA Office of General Counsel  
Pesticides and Toxic Substances Law Office  
202-564-2672

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**From:** Kaiser, Sven-Erik  
**Sent:** Friday, June 14, 2019 8:39 AM

**To:** Reisman, Larry <Reisman.Larry@epa.gov>

**Cc:** Turk, David <Turk.David@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Scheifele, Hans <Scheifele.Hans@epa.gov>; Pierce, Alison <Pierce.Alison@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Fisher, Bethany <fisher.bethany@epa.gov>; Anderson, Steve <Anderson.Steve@epa.gov>; Skane, Elizabeth <Skane.Elizabeth@epa.gov>; Levine, Carolyn <Levine.Carolyn@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Krasnic, Toni <krasnic.toni@epa.gov>

**Subject:** Re: SEPW PFAS bill - TRI

Now looking like 11:15 am today for a call with SEPW on TRI. Will send a scheduler with call number

On Jun 13, 2019, at 9:56 PM, Reisman, Larry <Reisman.Larry@epa.gov> wrote:

I can do the times Dave mentions as well and frankly Dave knows more about this matter than me so it's more important that Dave is able to participate.

Larry

Sent from my iPhone

On Jun 13, 2019, at 9:19 PM, Turk, David <Turk.David@epa.gov> wrote:

I can do a call before 9:30. And then between 11 and noon. I have no availability on Monday.

Sent from my iPhone

On Jun 13, 2019, at 6:56 PM, Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov> wrote:

TRI team – the attached text will be the basis for the Senate EPW business meeting on Weds, June 19. Several PFAS bills are combined into one stand alone document – the TRI portion is on pp 2-13 of the PDF version. As mentioned in the committee staff's note below – they were concerned that the most recent TRI TA (attached) seemed not consistent with their understanding of earlier TA discussions regarding the best way to capture new chemicals and what SNURs trigger TRI reporting. As a result, SEPW retained the earlier language and request assistance in resolving the questions raised by the most recent TA. They would like a call to resolve the questions – unfortunately they only have until noon Monday to make any changes to the language. After that it will be much harder to make changes. Realizing this is short notice, what availability do folks have for **a call tomorrow on Fri, June 14**. Thanks,  
Sven  
Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460

202-566-2753 (o)  
202-591-0619 (c)

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**From:** Freedhoff, Michal (EPW)  
<[Michal.Freedhoff@epw.senate.gov](mailto:Michal.Freedhoff@epw.senate.gov)>  
**Sent:** Thursday, June 13, 2019 5:52 PM  
**To:** Kaiser, Sven-Erik <[Kaiser.Sven-Erik@epa.gov](mailto:Kaiser.Sven-Erik@epa.gov)>;  
Levine, Carolyn <[Levine.Carolyn@epa.gov](mailto:Levine.Carolyn@epa.gov)>; Skane,  
Elizabeth <[Skane.Elizabeth@epa.gov](mailto:Skane.Elizabeth@epa.gov)>  
**Cc:** Memmott, Justin (EPW)  
<[Justin.Memmott@epw.senate.gov](mailto:Justin.Memmott@epw.senate.gov)>; Olsen, Elizabeth  
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Baugh, Jordan (Gillibrand)  
<[Jordan.Baugh@gillibrand.senate.gov](mailto:Jordan.Baugh@gillibrand.senate.gov)>; Tulou,  
Christophe (EPW)  
<[Christophe.Tulou@epw.senate.gov](mailto:Christophe.Tulou@epw.senate.gov)>; Kane, John  
(EPW) <[John.Kane@epw.senate.gov](mailto:John.Kane@epw.senate.gov)>  
**Subject:** NDAA amendment

Hi all

The attached was filed as a Capito-Carper-Barrasso amendment to NDAA (Senators Gillibrand, Sullivan and Shaheen were added as cosponsors shortly after we filed). It consists of many of the pieces you've seen and provided TA on, and a few you have not. Additionally, there was some TA that came in too late for us to process, other TA we didn't have time to resolve, and some provisions that Senate leg counsel redrafted that we had limited time to review before the filing deadline. The upshot is that this is the text we are also likely to use as base text for noticing the June 19 EPW business meeting, but we anticipate making changes to this text and possibly adding to it at the Wednesday business meeting which could then find their way back to NDAA Floor consideration.

So – please provide feedback or questions/concerns as soon as you are able to. One specific matter we know we would like to resolve is the TRI SNUR references, which are unchanged from the last time you saw them because we are hearing conflicting messages from you on how to best draft that.

Thank you again for all of the TA and time-

Michal

Michal Ilana Freedhoff, Ph.D.  
Director of Oversight

Committee on Environment and Public Works  
Democratic Staff

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